



A REQUEST FOR A SUBSTANTIAL DECREASE PLAT

AMENDMENT BY:

Scott Shepard

WHERE: Valley Vista Estates

August 10, 2015

Substantial Plat Amendment Valley Vista Estates Subdivision

Background: A notice of noncompliance was filed with the Teton County Recorder's office on August 30, 2012 (223728). The reason for the notice was that the Developer was in violation of the original Development Agreement for Valley Vista Estates (148905). This violation was due to the deadlines of completion, agreed to in the original Development Agreement, not being met. In order to remedy the non-compliance, a new Development Agreement must be negotiated. This new Development Agreement proposes new dates for completion (Section 3.11), as well as identifies phases (Section 3.11) which were not defined in the original agreement.

Definition: §9-7-1 (B-2c) Substantial Changes – Substantial Changes/ Vacations – Decrease Scale,

Impact. Substantial Changes or vacations of a plat, the master plan, or portions of it that substantially decrease the direct or indirect impacts on the immediate neighborhood, general vicinity of the subdivision or overall community. These substantial changes may include the following:

- i. a reduction in the number of lots or parcels;
- ii. the re-arrangement or relocation of more than five (5) lots or parcels that does not encroach further into natural resource areas or Overlay Areas as defined in Title 8 or Title 9 or move closer to neighboring property;
- iii. renegotiation of development agreement;
- iv. other changes of similar magnitude or reduction of impacts.

Procedure for Approval: §9-7-1 (B-4c) Substantial Changes – Decrease Scale, Impact. Upon the Planning Administrator determining the application complete, and that the proposed changes will decrease the scale or impacts of the development, the application shall be reviewed by the following procedure.

- i. **Concept Review by Planning Administrator.** The application for proposed changes shall be reviewed by the Planning Administrator as a Concept Plan. The Administrator shall recommend approval, approval with conditions or denial to the Board.
- ii. **Final Plat by County Commission.** Upon receiving a recommendation from the Planning Administrator, the Board shall review the application at a legally noticed public hearing. A Final Plat application shall be submitted pursuant to Title 50 of the Idaho Code and Title 9, and shall be accompanied with a revised Development Agreement and/or Conditions, Covenants and Restrictions (CCR) as such revisions may be necessary to implement the Final Plat. The Board shall approve, approve with conditions or deny the proposed Master Plan, Final Plat and/or Development Agreement pursuant to the criteria set forth in C-iii-d of this section.

Criteria for Approval §9-7-1 (B-3c): Substantial Changes – Decrease Scale, Impact.

- i. The applicant shall submit to the Planning Administrator revised maps showing the proposed vacation or revisions to the layout of lots or buildings and any reduction in the number of lots or buildings. The project's Development Agreement may require adjustments in order to reflect the substantial changes being proposed. This revised layout shall be accompanied by the maps and analyses that were submitted as part of the previous application and approval. These maps and analyses include the following to the extent they were required for the previous approval:
 1. Existing Conditions Inventory and Existing Conditions Map;
 2. Existing Contour Map;
 3. Maps of Overlay Areas as established in Title 8 and Title 9;

4. Land Management Plan and/or Open Space Management Plan
 5. Fiscal and Services Analysis;
 6. Natural Resource Analysis; and,
 7. Traffic Impact Study.
 8. Approved Development Agreement
- ii. No additional studies or analyses are required.
 - iii. No additional application fees are required.
 - iv. The master plan and plat for subdivision or Planned Unit Development, including the proposed changes, shall reduce governmental costs for operations and capital expenses. The applicant shall provide financial surety of 125% of a current engineer's cost estimate for infrastructure OR the development agreement shall require no lot sales in the improved amended plat until such time as infrastructure is complete or financial surety has been provided. As applicable, shall reduce the intrusion of development into natural resource areas that are protected by criteria in county regulations or reduce development in the Overlay Areas as these areas are defined in Title 8 or Title 9.

Concept Review Findings:

Teton County Planning Administrator has reviewed the proposed changes to the Development Agreement for Valley Vista Estates and finds that the changes would bring the subdivision into compliance with Teton County Land Use regulations. The proposed changes (revision of dates and inclusion of phasing) would not require additional maps or analysis, additional studies, additional fees or additional expenses to Teton County.

Final Approval:

Action/Decision: The Board of County Commissioners, shall act on the information presented in the application. The decision shall be to:

- 1) Continue the public hearing,
- 2) Approve the Amended Developer's Agreement,
- 3) Approve the Amended Developer's Agreement with conditions,
- 4) Deny of the application.

Specific reasons for the decision shall be made and included in the written the record. It is important that the action of the Board be based on a full understanding of all anticipated impacts of the proposed development to Teton County. The Board shall only approve the application if it finds that all of the criteria has been met (or if it finds that some of the criteria has not been met, may recommend approval with conditions that would ensure that the proposed development meets the criteria).

Findings of Fact (if you wish to include them as written findings for your motion):

- o Scott Shepherd -submitted an application to amend the Devilment Agreement for Valley Vista Estates (148905, recorded 6/27/2002).
- o The application is to amended the completion deadlines and clarify the future phases.
- o Substantial Change- Decrease Scale, Impact plat amendments are used for amending Development Agreements.
- o On 8/10/15 Teton County BoCC held a public hearing to take public testimony about the application
- o The proposed amendment meets the criteria for approval found in §9-7-1 (B-3c).